

FILED

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WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

Senate Bill No. 514

(BY SENATORS JENKINS, STOLLINGS, FOSTER, UNGER,
LAIRD, PLYMALE, PALUMBO AND KESSLER)

[Passed March 5, 2010; in effect ninety days from passage.]

SB 514

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[Passed March 5, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §60A-9-4 of the Code of West Virginia, 1931, as amended, relating to the Controlled Substances Monitoring Act; and modifying and clarifying the controlled substances that are subject to reporting when a prescription is filled or when the controlled substance is dispensed by a medical services provider.

Be it enacted by the Legislature of West Virginia:

That §60A-9-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 9. CONTROLLED SUBSTANCES MONITORING.

§60A-9-4. Required information.

1 (a) Whenever a medical services provider dispenses a
2 controlled substance listed in Schedule II, III or IV, as
3 established under the provisions of article two of this
4 chapter or whenever a prescription for the controlled
5 substance is filled by: (i) A pharmacist or pharmacy in

6 this state; (ii) a hospital, or other health care facility, for
7 out-patient use; or (iii) a pharmacy or pharmacist licensed
8 by the Board of Pharmacy, but situated outside this state
9 for delivery to a person residing in this state, the medical
10 services provider, health care facility, pharmacist or
11 pharmacy shall, in a manner prescribed by rules promul-
12 gated by the Board of Pharmacy under this article, report
13 the following information, as applicable:

14 (1) The name, address, pharmacy prescription number
15 and Drug Enforcement Administration controlled sub-
16 stance registration number of the dispensing pharmacy;

17 (2) The name, address and birth date of the person for
18 whom the prescription is written;

19 (3) The name, address and Drug Enforcement Adminis-
20 tration controlled substances registration number of the
21 practitioner writing the prescription;

22 (4) The name and national drug code number of the
23 Schedule II, III and IV controlled substance dispensed;

24 (5) The quantity and dosage of the Schedule II, III and IV
25 controlled substance dispensed;

26 (6) The date the prescription was filled; and

27 (7) The number of refills, if any, authorized by the
28 prescription.

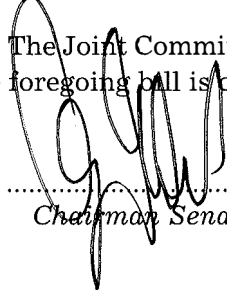
29 (b) The Board of Pharmacy may prescribe by rule
30 promulgated under this article the form to be used in
31 prescribing a Schedule II, III and IV substance if, in the
32 determination of the board, the administration of the
33 requirements of this section would be facilitated.

34 (c) Products regulated by the provisions of article ten of
35 this chapter shall be subject to reporting pursuant to the
36 provisions of this article to the extent set forth in said
37 article.

38 (d) Reporting required by this section is not required for
39 a drug administered directly to a patient or a drug dis-
40 pensed by a practitioner at a facility licensed by the state:
41 *Provided*, That the quantity dispensed is limited to an
42 amount adequate to treat the patient for a maximum of
43 seventy-two hours with no greater than two seventy-two-
44 hour cycles in any fifteen-day period of time.




The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

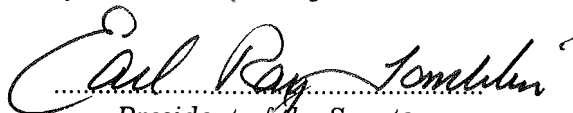

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Chairman House Committee


Originated in the Senate.

In effect 90 days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is appended this the 16th
Day of March, 2010.


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Governor

PRESENTED TO THE
GOVERNOR

MAR 12 2010

Time 2:11 pm